

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

WILLIE JEROME MANNING

PETITIONER

VS.

CIVIL ACTION NO.: 1:05-CV-256-P

CHRISTOPHER EPPS, ET AL.

RESPONDENTS

ORDER DENYING MOTION FOR RECONSIDERATION

Presently before the Court is a motion from Petitioner seeking the Court's reconsideration of its April 10, 2007, order granting in part and denying in part Petitioner's discovery requests. The instant motion asserts that Petitioner is unable to obtain his and his family's records from the Oktibbeha County Department of Human Services ["DHS"], and he requests that this Court allow a subpoena to issue for the records.

During his post-conviction proceedings, Petitioner sought disclosure of the DHS records by obtaining the appropriate releases from his family members and an order from the Youth Division of the Oktibbeha County Chancery Court allowing disclosure of the records. A motion to quash the subpoena was filed by DHS, which the Circuit Court granted, and the Mississippi Supreme Court denied Petitioner relief from the Circuit Court's order. In the instant motion, Petitioner asserts that he expects any requests for information from DHS to be opposed, such that this Court should reconsider its previous order and allow a subpoena to issue for the records.

This Court offers no opinion on whether Petitioner was improperly denied access to his records, as it is not relevant to the inquiry of whether Petitioner has demonstrated good cause sufficient to allow discovery of those records as they relate to his ineffective assistance of counsel claims. The Court finds Petitioner has made no showing that his allegations, if true,

would necessarily demonstrate that his counsel performed deficiently in the preparation and presentation of mitigating evidence at trial. Petitioner and his family members have first-hand knowledge of what conditions of poverty, neglect, and/or abuse they endured, and Petitioner has not demonstrated good cause for his discovery request. Petitioner's motion is **DENIED**.

SO ORDERED this the 23rd day of April, 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE